

1 AN ACT relating to the abolition of eminent domain.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. Are you in favor of amending the Constitution of Kentucky as stated
4 below to eliminate eminent domain, which would end the right of the Commonwealth, its
5 subdivisions, local governments, or other public bodies to take private property for a
6 public use?

7 ➔Section 2. It is proposed that Section 13 of the Constitution of Kentucky be
8 amended to read as follows:

9 No person shall, for the same offense, be twice put in jeopardy of his ***or her*** life or
10 limb, ~~nor shall any man's property be taken or applied to public use without the consent~~
11 ~~of his representatives, and without just compensation being previously made to him].~~

12 ➔Section 3. It is proposed that Section 195 of the Constitution of Kentucky be
13 amended to read as follows:

14 The ~~[Commonwealth, in the exercise of the right of eminent domain, shall have and~~
15 ~~retain the same powers to take the property and franchises of incorporated companies for~~
16 ~~public use which it has and retains to take the property of individuals, and the]~~exercise of
17 the police powers of this Commonwealth shall never be abridged nor so construed as to
18 permit corporations to conduct their business in such manner as to infringe upon the
19 equal rights of individuals.

20 ➔Section 4. It is proposed that the following sections of the Constitution of
21 Kentucky be repealed and the provisions be removed from the Constitution of Kentucky:

22 **Section 211 Foreign railroad corporation may not condemn or acquire real estate.**

23 No railroad corporation organized under the laws of any other State, or of the
24 United States, and doing business, or proposing to do business, in this State, shall be
25 entitled to the benefit of the right of eminent domain or have power to acquire the right of
26 way or real estate for depot or other uses, until it shall have become a body corporate
27 pursuant to and in accordance with the laws of this Commonwealth.

1 **Section 242 Just compensation to be made in condemning private property -- Right**
2 **of appeal -- Jury trial.**

3 Municipal and other corporations, and individuals invested with the privilege of
4 taking private property for public use, shall make just compensation for property taken,
5 injured or destroyed by them; which compensation shall be paid before such taking, or
6 paid or secured, at the election of such corporation or individual, before such injury or
7 destruction. The General Assembly shall not deprive any person of an appeal from any
8 preliminary assessment of damages against any such corporation or individual made by
9 Commissioners or otherwise; and upon appeal from such preliminary assessment, the
10 amount of such damages shall, in all cases, be determined by a jury, according to the
11 course of the common law.

12 ➔Section 5. This amendment shall be submitted to the voters of the
13 Commonwealth for their ratification or rejection at the time and in the manner provided
14 for under Sections 256 and 257 of the Constitution and under KRS 118.415.

15 ➔Section 6. Notwithstanding any provision of KRS 118.415 to the contrary, the
16 Secretary of State shall cause the entirety of the question in Section 1 of this Act and the
17 entirety of the proposed amendment to the Constitution of Kentucky contained in
18 Sections 2, 3, and 4 of this Act to be published at least one time in a newspaper of general
19 circulation published in this state, and shall also cause to be published at the same time
20 and in the same manner the fact that the amendment will be submitted to the voters for
21 their acceptance or rejection at the next regular election at which members of the General
22 Assembly are to be voted for. The publication required by this section and KRS 118.415
23 shall be made no later than the first Tuesday in August preceding the election at which
24 the amendment is to be voted on.

25 ➔Section 7. Notwithstanding any provision of KRS 118.415 to the contrary, the
26 Secretary of State, not later than the second Monday after the second Tuesday in August
27 preceding the next regular election at which members of the General Assembly are to be

1 chosen in a year in which there is not an election for President and Vice President of the
2 United States, or not later than the Thursday after the first Tuesday in September
3 preceding a regular election in a year in which there is an election for President and Vice
4 President of the United States, shall certify the entirety of the question in Section 1 of this
5 Act and the entirety of the proposed amendment to the Constitution of Kentucky
6 contained in Section 2 of this Act to the county clerk of each county, and the county clerk
7 shall have the entirety of the question and the amendment, as so certified, indicated on
8 the ballots provided to the voters in paper or electronic form as applicable to the voting
9 machines in use in each county or precinct.